

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BOOTH OIL SITE ADMINISTRATIVE GROUP,

Plaintiff,

v.

ORDER
98-CV-696A

SAFETY-KLEEN CORPORATION, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On November 27, 2012, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendants Lonsdale Salter Schofield, Joseph Chalhoub, Breslube Industries, Ltd., Speedy Oil Services, Inc. and Booth Oil Company's motion to dismiss the cross claims of defendants Ahsen Yelkin and EC Holdings Corp. and for recovery of the costs and fees associated with the filing of the motion be granted in so far as it seeks dismissal of the cross claims of defendants Ahsen Yelkin and EC Holdings, and denied in so far as it seeks recovery of the costs and fees associated with the filing of the motion. The Magistrate Judge also recommended that the Court award the following damages for Ahsen Yelkin's breach of his duty to negotiate in good faith the remaining terms of a mediated oral agreement of settlement: \$32,631.54 to Joseph Chalhoub, \$13,496.86 to Booth Oil Company; and \$20,053.25 to Lonsdale Slater Schofield.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no

objections having been timely filed, it is hereby

ORDERED that defendants Lonsdale Salter Schofield, Joseph Chalhoub, Breslube Industries, Ltd., Speedy Oil Services, Inc. and Booth Oil Company's motion to dismiss the cross claims of defendants Ahsen Yelkin and EC Holdings Corp. and for recovery of the costs and fees associated with the filing of the motion is granted in so far as it seeks dismissal of the cross claims of defendants Ahsen Yelkin and EC Holdings, and denied in so far as it seeks recovery of the costs and fees associated with the filing of the motion. The Court awards the following damages for Ahsen Yelkin's breach of his duty to negotiate in good faith the remaining terms of a mediated oral agreement of settlement: \$32,631.54 to Joseph Chalhoub, \$13,496.86 to Booth Oil Company; and \$20,053.25 to Lonsdale Slater Schofield.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: December 13, 2012